

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Stonyfield Farm, Inc.

v.

Agro-Farma, Inc.

Civil No. 08-cv-488-JD

v.

Schreiber Foods, Inc.

O R D E R

Agro-Farma, Inc. filed motions to preclude the testimony and expert opinions of Stonyfield Farms, Inc.'s witness, Erik Drake, on the grounds that neither Drake nor his opinions meet the requirements of Federal Rule of Evidence 702 and that Stonyfield failed to disclose related documentation in violation of discovery obligations. On February 7, 2011, the parties filed a stipulation that states: "The Parties agree that they are precluded from offering any evidence, testimony and /or opinions of Erik Drake at the trial of this matter." The parties also state in paragraph 3 that their stipulation was not intended to have any effect on Agro-Farma's pending motions to preclude the opinion and testimony of Erik Drake.

The parties' stipulation in paragraph 1, in which they agree that they are precluded from offering Erik Drake's evidence, testimony, and opinions at trial, renders Agro-Farma's pending

motions to preclude the same evidence, testimony, and opinions moot.

Conclusion

The parties' stipulation (document no. 219) is approved. Agro-Farma's pending motions (documents nos. 142 and 143) are terminated, without ruling, as moot.

SO ORDERED.



Joseph A. DiClerico, Jr.
United States District Judge

February 9, 2011

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